

BILL ANALYSIS

Senate Research Center
88R27946 MLH-F

C.S.S.B. 2009
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Health & Human Services
5/3/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, families who are ready to adopt children in foster care often have to wait more than six months for the Child Protective Services (CPS) redaction unit to provide the children's CPS records for adoptive parents to review, which must be done prior to adoption. The length of time it takes to receive these records ultimately delays the adoption process and prolongs children's stays in the foster care system when potential permanent placement is available for them.

The records that adoptive parents are required to see are the child's health, social, educational, and genetic history (HSEGH) report, as well as a redacted (de-identified) copy of the child's case file.

C.S.S.B. 2009 would decrease the amount of time it takes for children in foster care to be adopted by (1) putting deadlines on CPS to request and produce a redacted copy of the child's CPS records, and (2) by potentially decreasing the amount of information that needs to be redacted from the child's case file by requiring potential adoptive parents to sign a nondisclosure agreement to see a more lightly redacted file.

Key provisions:

C.S.S.B. 2009 requires a foster child's HSEGH report to be completed no later than 30 days after the child's permanency plan is changed to include adoption.

The bill also requires a foster child's redacted CPS case file to be completed and given to adoptive parents no later than 90 days after DFPS, a licensed child-placing agency, or other entity placing the child for adoption requests the redacted file.

To allow this process to be more efficient, C.S.S.B. 2009 specifies that the case file may be more lightly redacted by including confidential information, excluding social security numbers, and identifying information of biological parents, any biological siblings adopted by a different family, the adoptive parents of those biological siblings, any person who made a report of abuse or neglect to the Department of Family and Protective Services or a law enforcement agency, and parents who leave a child with a designated emergency infant care provider as allowed under the Texas "Baby Moses" law. Adoptive parents are required to sign a nondisclosure agreement to see this confidential information.

C.S.S.B. 2009 amends current law relating to access to certain information in the adoption process.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 162.005(b) and (c), Family Code, as follows:

(b) Requires the Department of Family and Protective Services (DFPS), a licensed child-placing agency, or a child's parent or guardian, before placing the child for adoption, to compile a report on the available health, social, educational, and genetic history of the child to be adopted and distribute the report as required by Chapter 162 (Adoption).

(c) Requires DFPS to ensure that each licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption receives a copy of any portion of the report prepared by DFPS not later than the 30th day after the date the child's permanency plan is changed to include adoption.

SECTION 2. Amends Section 162.0062, Family Code, by amending Subsection (a) and adding Subsections (a-2) and (a-3), as follows:

(a) Provides that the prospective adoptive parents of a child, except as provided by Subsection (c) (relating to authorizing DFPS, in certain circumstances, to allow the prospective adoptive parents of a child to examine the records and other information relating to the history of the child), are entitled to examine the records and other information relating to the history of the child, including confidential information other than the identity of the biological parents and any other person whose identity is confidential. Requires DFPS, the licensed child-placing agency, or other person placing the child for adoption to:

(1) redact each social security number from the records and information; and

(2) edit the records and information to protect the identity of the biological parents, any biological siblings adopted by a different family, the adoptive parents of those biological siblings, any person who made a report of abuse or neglect to DFPS or a law enforcement agency, and any person, rather than any other person, whose identity is confidential under Section 262.308 (Confidentiality).

(a-2) Requires a prospective adoptive parent to sign a nondisclosure agreement before DFPS, the licensed child-placing agency, or other person placing the child for adoption is authorized to release confidential information under Section 162.0062 (Access to Information).

(a-3) Requires DFPS, the licensed child-placing agency, or other person placing the child for adoption to provide the information under this section not later than the 90th day after the date the information is requested.

SECTION 3. Effective date: September 1, 2023.